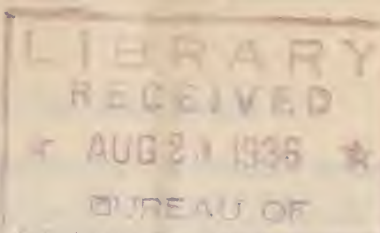


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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

[Given pursuant to section 4 of the Insecticide Act]

1426-1450

[Approved by the Acting Secretary of Agriculture, Washington, D. C., June 3, 1936]

1426. Adulteration and misbranding of blue ointment. U. S. v. William D. Koster and Albert Springer (Petrolene Laboratories). Fine, \$50 on each count against each defendant. Sentence suspended. (I. & F. no. 1682. Sample no. 42958-A.)

This case was based on an interstate shipment of blue ointment which was represented to be of pharmacopoeial standard, but which failed to conform to the standard for blue ointment laid down in the United States Pharmacopoeia.

On May 28, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William D. Koster and Albert Springer, copartners, trading as the Petrolene Laboratories, and located on the date of shipment hereinafter mentioned at Brooklyn, N. Y., alleging shipment by said defendants on or about July 7, 1933, from the State of New York into the State of Pennsylvania of a quantity of blue ointment which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that the statement on the label, "Blue Ointment, U. S. P.", represented that its standard and quality were such that it complied with the United States Pharmacopoeia, whereas its strength and purity fell below the professed standard and quality under which it was sold, since it did not comply with the standard of the United States Pharmacopoeia for blue ointment, in that it contained mercury in a proportion of not more than 24.4 percent, whereas the United States Pharmacopoeia requires that blue ointment shall contain not less than 29 percent of mercury.

Misbranding was alleged for the reason that the statements, "Blue Ointment, U. S. P. Mercurial Ointment Diluted", and "We guarantee each ointment to be strictly U. S. P. or N. F.", borne on the carton label, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since they represented that the article complied with the United States Pharmacopoeia, whereas it did not.

The information contained further counts charging violations of the Food and Drugs Act, reported in notice of judgment no. 25027, published under that act.

The defendants, Koster and Springer, entered pleas of guilty to all charges on July 12 and July 15, 1935, respectively. The court imposed a fine of \$50 on each count of the information against each defendant, and ordered that sentence be suspended as to both defendants on all counts but the first. The counts on which sentence was suspended included the two counts charging misbranding of the blue ointment under the Insecticide Act of 1910.

W. R. GREGG, *Acting Secretary of Agriculture.*

1427. Misbranding of San-Ideal Crystals, Ideal Moth Block, and Ideal Sanidaire. U. S. v. National Sales Chain Corporation. Plea of guilty. Fine, \$24. (I. & F. no. 1717. Sample nos. 67008-A, 67011-A, 67020-A.)

These products were misbranded in the following respects: San-Ideal Crystals, because of claims in the labeling as to its alleged effectiveness as a deodorant and as a control for certain insects; Ideal Moth Block, because of claims in the labeling as to its alleged effectiveness as a moth control; Ideal Sanidaire because of claims in the labeling as to its alleged antiseptic and

deodorant properties and because the inert ingredient in the article was not declared.

On May 28, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the National Sales Chain Corporation, New York, N. Y., alleging shipment by said company in violation of the Insecticide Act of 1910 from the State of New York into the State of Pennsylvania, on or about October 13, 1933, of a quantity of Ideal Sanidaire which was a misbranded fungicide, on or about December 14, 1933, of a quantity of San-Ideal Crystals, which was a misbranded insecticide and fungicide, and on or about December 21, 1933, of a quantity of Ideal Moth Block which was a misbranded insecticide.

The San-Ideal Crystals were alleged to be misbranded in that the statements, "San Ideal Crystals Vaporizing Destroy all unpleasant Odors and Leave a Pleasing Atmosphere * * * San-Ideal Crystals Overcome Foul Odors * * * Sprinkle sparingly wherever foul odors cling" and "Protection against Moth Damage in Garments * * * Sprinkle sparingly * * * into closets, chests, trunks, drawers, etc. for moth protection * * * San-Ideal Crystals * * * Keep out Moths, Ants and Bugs", borne on the labels, were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser in that they represented that the article when used as directed would destroy all unpleasant odors, would overcome all foul odors, would furnish protection against moths, and would keep out moths, ants, and bugs; whereas the article when used as directed would not destroy all unpleasant odors, would not overcome all foul odors, would not furnish protection against moths, and would not keep out moths, ants, and bugs.

Misbranding of the Ideal Moth Block was alleged for the reason that the statements, "Moth Block * * * For use in wardrobes * * * pianos, etc.", borne on the label were false and misleading and by reason of the said statements, the article was labeled so as to deceive or mislead the purchaser, since they represented that the article when used as directed would be effective against moths under all conditions; whereas it would not be effective against moths under all conditions when used as directed.

Misbranding of Ideal Sanidaire was alleged for the reason that the following statements, "Antiseptic Deodorizing Spray" and "Destroys Unpleasant and Offensive Odors", borne on the label, were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser in that they represented that the article was antiseptic when used as a spray and that it would destroy odors; whereas the article was not antiseptic when used as a spray and would not destroy odors. Misbranding of the Ideal Sanidaire was alleged for the further reason that the article consisted partially of an inert substance, water, i. e., a substance that does not prevent, destroy, repel, or mitigate fungi, and the name and the percentage amount of the said inert substance so present therein were not stated plainly and correctly, or at all, on the label affixed to the bottle; nor, in lieu, thereof were the name or percentage amount of each substance or ingredient of the said article having fungicidal properties, and the total percentage of the inert substance or ingredients so contained therein stated plainly and correctly, or at all, on the bottle label.

On December 12, 1935, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$24.

W. R. GREGG, *Acting Secretary of Agriculture.*

1428. Misbranding of Moth-Pruf Cabinets. U. S. v. D. C. Kinnell & Co., Inc. Plea of guilty. Fine, \$35. (I. & F. no. 1755. Sample no. 67242-A.)

This product was misbranded because of unwarranted claims on the label regarding its alleged effectiveness in the control of moths.

On December 21, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against D. C. Kinnell & Co., Inc., Montclair, N. J., alleging shipment by said company on or about April 4, 1934, from the State of New Jersey, into the State of New York, of a quantity of Moth-Pruf Cabinets, which product was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements, "We Guarantee that the Moth-Pruf cedar fibre board used in this product is

made from the genuine aromatic cedar (*Juniperus Virginiana*) that is used in making cedar chests. Beginning with the logs from selected cedar trees, the sapwood, which contains no moth killing oils, is removed. The heartwood of the log is then ground, and rolled by a patented process into sheets. In this process all of the natural cedar oils so deadly to moths, are retained in the finished product. Mfgs. Agents: Moth-Pruf Products Co. 63 Park Row, New York, N. Y. D. C. Kinnell & Co., Inc. Montclair, N. J. To Secure Maximum Protection Just as your furs and clothing are cleaned by the storage firms so should you clean or thoroughly brush and air your clothes before storing in this Moth-Pruf cedar product. Pay special attention to seams, crevices and pockets. If care is taken, it will give your clothes the moth protection you desire. Reg. U. S. Pat. Off.", borne on the label affixed to each of the cabinets, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since they represented that the article would kill moths and would furnish protection against moths under all conditions; whereas it would not kill moths and would not furnish protection against moths under all conditions.

On October 10, 1935, a plea of guilty having been entered on behalf of the defendant company, the court imposed a fine of \$35.

W. R. GREGG, *Acting Secretary of Agriculture.*

1429. Adulteration and misbranding of calcium arsenate. U. S. v. The Sherwin-Williams Co. Plea of guilty. Fine, \$400. (I. & F. no. 1655. Dom. no. 50372. Sample no. 3399-A.)

This case was based on interstate shipments of calcium arsenate which contained arsenic in water-soluble form, expressed as metallic arsenic, and arsenic oxide in water-soluble form in proportions much greater than declared on the label, and which would be injurious to certain plants when used according to directions.

On November 13, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sherwin-Williams Co., a corporation, Bound Brook, N. J., alleging shipment by said company on or about February 3, 1932, from the State of New Jersey into the State of Michigan, and on or about February 4, 1932, from the State of New Jersey into the State of Illinois, of quantities of calcium arsenate which was an adulterated and misbranded insecticide, other than paris green and lead arsenic, within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that the statements, "Arsenic in water soluble form (expressed as metallic Arsenic) not more than 0.5% * * * Arsenic oxide in water soluble form, not more than .75%", borne on the label, represented that it contained arsenic in water-soluble form, expressed as metallic arsenic, in the proportion of not more than 0.5 percent, and that it contained arsenic oxide in water-soluble form in the proportion of not more than 0.75 percent, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, since it contained arsenic in water-soluble form expressed as metallic arsenic in a proportion much greater than 0.5 percent and contained arsenic oxide in water-soluble form in a proportion much greater than 0.75 percent.

Misbranding was alleged for the reason that the statements, "Arsenic in water soluble form (expressed as metallic Arsenic) not more than 0.5% * * * Arsenic oxide in water soluble form, not more than .75%", "Used for the control of most leaf-eating insects in the garden.", and "For Cotton Boll Weevil—Dust on plants just as it comes from package while dew is on", borne on the labels, were false and misleading, and by reason of said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article contained arsenic in water-soluble form, expressed as metallic arsenic and arsenic oxide in water-soluble form, in proportions not greater than declared, and that it could be safely used as directed on the label on most garden plants and on cotton plants; whereas it contained arsenic in water-soluble form expressed as metallic arsenic and arsenic oxide in water-soluble form, in proportions much greater than declared and, when used as directed on the label, would prove to be seriously injurious to the foliage of many garden plants and would be seriously injurious to the foliage of cotton plants.

On January 19, 1934, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$400.

W. R. GREGG, *Acting Secretary of Agriculture.*

1430. Misbranding of Termox Moth Tabs. U. S. v. Termo Chemical Co. Plea of guilty. Fine, \$10. (I. & F. no. 1763. Sample no. 64665-A.)

This case was based on an interstate shipment of a product intended for use as an insecticide, which was misbranded because of unwarranted claims in the labeling regarding its alleged effectiveness in the control of moths.

On February 13, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Termo Chemical Co., a corporation, Chicago, Ill., alleging shipment by said company on or about May 10, 1934, from the State of Illinois into the State of Wisconsin of a quantity of Termox Moth Tabs, which product was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statement, "For best results use 1 tablet to every 5 cubic feet of space", borne on each of the tablets, was false and misleading, and by reason of the said statement the article was labeled so as to deceive and mislead the purchaser, since it represented that the article, when used in unconfined space, would act as an effective control of moths; whereas it would not act as an effective control of moths when used in unconfined space.

On October 11, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$10.

W. R. GREGG, *Acting Secretary of Agriculture.*

1431. Adulteration and misbranding of Acme 2 Way Spray. U. S. v. Acme White Lead & Color Works. Plea of guilty. Fine, \$100. (I. & F. no. 1775. Sample no. 5163-B.)

This product contained a smaller proportion of active ingredients and a larger proportion of inert ingredients than declared on the label, and would be injurious when used on certain vegetation for which it was recommended as a spray.

On April 8, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Acme White Lead & Color Works, a corporation, trading at Buffalo, N. Y., alleging shipment by said company on or about May 16, 1934, from the State of New York into the State of Massachusetts of a quantity of Acme 2 Way Spray which was an adulterated and misbranded insecticide (other than paris green and lead arsenate) and fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that the statements, "A combination spray for gardens and certain fruit trees composed of 14.5% Arsenate of Lead Total Active Ingredients 25.5% Arsenate of Lead 14.5% Inert Ingredients 74.5% Total Arsenic (expressed as percentum of Metallic Arsenic) not less than 2.80%", borne on the package label, represented that its standard and quality were such that it contained arsenate of lead in the proportion of not less than 14.5 percent, that it contained total active ingredients in a proportion of not less than 25.5 percent, that it contained total arsenic expressed as percentum of metallic arsenic in the proportion of not less than 2.80 percent, and that it contained inert ingredients in the proportion of not more than 74.5 percent; whereas its strength and purity were such that it contained arsenate of lead in a proportion less than 14.5 percent, total active ingredients in a proportion less than 25.5 percent, contained total arsenic expressed as percentum of metallic arsenic in a proportion less than 2.80 percent, and contained inert ingredients in a proportion greater than 74.5 percent.

Misbranding was alleged for the reason that the above statements on the packages were false and misleading and by reason of said statements the article was labeled so as to deceive and mislead the purchaser, since it contained arsenate of lead in a proportion of less than 14.5 percent, it contained total active ingredients in a proportion of less than 25.5 percent, it contained total arsenic, expressed as percentum of metallic arsenic, in a proportion less than 2.80 percent and contained inert ingredients in a proportion greater than 74.5 percent. Misbranding was alleged for the further reason that the following statements borne on the package, "For * * * sour cherries * * * Use 7 pounds of Acme 2 Way Spray to 50 gallons of water or 10 tablespoonfuls to 1 gallon of water", were false and misleading and by reason thereof the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, could be safely so used on all sour cherry trees; whereas the article, when used as directed, could not be safely

so used on all sour cherry trees but would be seriously injurious to the foliage of certain varieties of sour cherry trees.

On October 21, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$100.

W. R. GREGG, *Acting Secretary of Agriculture.*

1432. Adulteration and misbranding of Formoclor. U. S. v. Arthur Beck (Arthur Beck Co.). Plea of guilty. Fine, \$20 and costs. (I. & F. no. 1782. Sample no. 71454-A.)

This product contained a smaller proportion of the active ingredient and a larger proportion of the inert ingredients than declared on the label. The labels also bore false and misleading claims regarding its strength and its alleged germicidal and antiseptic properties, and other misrepresentations.

On April 25, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Arthur Beck, trading as the Arthur Beck Co., Chicago, Ill., alleging shipment by said defendant on or about May 15, 1934, from the State of Illinois, into the State of Colorado, of a quantity of Formoclor, which was adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that the statements on the label, "Sodium hypochlorite 6% Inert matter (water) 94%", represented that its standard and quality were such that it contained not less than 6 percent of sodium hypochlorite and not more than 94 percent of inert matter; whereas its strength and purity fell below the professed standard and quality under which it was sold, since it contained less than 6 percent of sodium hypochlorite, namely, approximately 2.23 percent, and it contained more than 94 percent of inert matter, namely, approximately 97.77 percent.

Misbranding was alleged for the reason that the following statements, "Sodium hypochlorite 6% Inert matter (water) 94%" borne on the label, were false and misleading, and by reason of the said statement the article was labeled so as to deceive and mislead the purchaser, since they represented that the article contained sodium hypochlorite in the proportion of not less than 6 percent, contained inert matter in a proportion of not more than 94 percent, and contained water only as an inert ingredient; whereas the article contained less than 6 percent of sodium hypochlorite, it contained inert matter in excess of 94 percent, and did not contain water only as an inert ingredient but did contain other inert substances, namely, sodium chloride, sodium carbonate, and sodium hydroxide.

Misbranding was alleged for the further reason that the following statements, "Non-Poisonous * * * Although Non-Poisonous * * * Absolutely Non-Poisonous", "Formoclor * * * Sterilizer * * * Formoclor is recommended * * * as an ideal disinfectant, germicide, antiseptic, sterilizer and deodorant of exceptional strength and purity * * * for sterilizing food containers and utensils of all kinds, vegetables (preparatory to cooking) drinking water, milk cans and bottles (nursing bottles, nipples, etc.)", "Formoclor has 12 times the germicidal strength of pure carbolic acid (Phenol) and is more than 200 times stronger in antiseptic effect than Peroxide of Hydrogen (U. S. P. 3%)", "Cooking utensils, dishes, cups, glasses, sterilize in solution of one tablespoon Formoclor to each gallon water. Rinse thoroughly in hot water. Dairy machinery, brewing and bottling machinery, for sterilizing wash with solution of one-half ounce Formoclor to each gallon water and follow with thorough rinse of hot water", "Drinking water—Sterilize with 3 drops Formoclor to one glass of water", "Wash basins—Sterilize by washing thoroughly with solution of 1 teaspoonful of Formoclor to each quart of water. Pour some down drain", "Cuspidors, garbage receptacles, etc. To deodorize and disinfect, spray with half cup Formoclor to pail water", "Customers wishing further information regarding the uses of *Formoclor* for sterilizing * * *", were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since it was not non-poisonous; it would not act as an ideal disinfectant, germicide, antiseptic, sterilizer and deodorant, and would not sterilize when used as directed on the label; it did not possess 12 times the germicidal strength of pure carbolic acid, it was not more than 200 times stronger in antiseptic effect than peroxide of hydrogen, it would not sterilize cooking utensils, dishes, cups, glasses, dairy machinery, and brewing and bottling machinery, it would not disinfect them

unless previously cleaned, and would not act as an effective disinfectant at the dilution specified (tablespoonful or half-ounce to gallon of water); and when used as directed, it would not sterilize drinking water, would not sterilize wash basins, would not act as an effective disinfectant of drains, and would not disinfect cuspidors, garbage receptacles, etc., unless all filth and dirt be first removed.

On October 22, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$20 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

1433. Misbranding of Moth Fumigator sets. U. S. v. Clean Home Products, Inc. Plea of guilty. Fine, \$10 and costs. (I. & F. no. 1788. Sample nos. 61280-A, 65072-A.)

This product was labeled with false and misleading claims regarding its alleged effectiveness as a control for moths.

On April 22, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Clean Home Products, Inc., trading at Chicago, Ill., alleging shipment by said company on or about July 31, 1933, from the State of Illinois into the State of Michigan, and on or about February 15, 1934, from the State of Illinois into the State of Ohio, of quantities of Moth Fumigator sets which constituted a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article consisted of a mechanical vaporator, each with six refill cakes. The article was alleged to be misbranded in that the following statements in the labeling, (display carton) "Kills Moths Quick Electric Apex Moth Fumigator Only 30 minutes Every 30 days", (sticker from carton lid) "Combination package Apex Moth Electric Fumigator", (larger circular) "Electric Apex Moth Fumigator Directions Place a Fumicake in the cup of the Fumigator. Hang the Fumigator in the closet on a hook. It should be hung free from touching anything and as high as convenient as the fumes that are given off during operation are much heavier than air and go downward. Connect the electric plug in any (105-120 Volt D. C. or A. C.) outlet. If there is an electric socket in the closet the five foot electric cord included in this equipment should be sufficient. If it is necessary to reach a distant outlet or lamp, the plug may be attached to an extension cord. Turn on the electricity and close the closet door as tightly as possible. In a few minutes the Fumicake will melt and then will start to evaporate giving off powerful fumes that kill all stages of moth life." Fumicake will not stain or injure the daintiest or finest of fabrics, furs, etc. The fumes that are given off will penetrate all clothes and fabrics, inside as well as outside. After 30 to 45 minutes turn off the electricity but keep the closet door closed for an additional half hour or longer thus continuing to confine the fumes. At any time thereafter the clothes may be removed from the closet and can be worn at once, as the heavy fumes quickly leave the garments odorless. After removing a Fumicake from the cellophane package always twist the cellophane at the top to prevent evaporation of the remaining Fumicakes. Moths know no season. Fumigation should be repeated in every closet every 30 days or less. This is the sure way to kill moth life quickly. Use only Apex Moth Fumicake in the Electric Apex Moth Fumigator. This is the new, quick, convenient and handy method to protect your valuable clothes, blankets, furs, bathing suits, woollens, etc., against moth damage * * * Electric Apex Moth Fumigator and six Apex Moth Fumicake Refills Combination Package. Price \$1.00. Quick, convenient, modern method to kill moths", (smaller circular) "Refills for the Electric Apex Moth Fumigator" and (cylinder label) "* * * 6 refills Apex Moth Fumicake", were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would kill all stages of moth life and would protect all articles from moth damage under all conditions; whereas the article, when used as directed, would not kill all stages of moth life and would not protect all articles from moth damage under all conditions.

On November 15, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$10 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

1434. Misbranding of Termox Roach Destroyer. U. S. v. Termo Chemical Co. Plea of guilty. Fine, \$10. (I. & F. no. 1789. Sample no. 64664-A.)

This product was misbranded because of misrepresentations in the labeling that it was nonpoisonous and that sulphur, one of the ingredients, was effective in the control of roaches.

On April 22, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Termo Chemical Co., a corporation, Chicago, Ill., alleging shipment by said company on or about August 24, 1933, from the State of Illinois into the State of Wisconsin, of a quantity of Termox Roach Destroyer which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, “* * * it is not poisonous to people or to household pets”, and “Active Ingredients * * * Sulphur 20%”, borne on the label, were false and misleading, and by reason of said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article would not be poisonous to people or to household pets and that sulphur was an active ingredient of the article, i. e., that sulphur would prevent, destroy, or mitigate roaches; whereas it would be poisonous to people and to household pets and sulphur was not an active ingredient, since sulphur would not prevent, destroy, or mitigate roaches.

On October 11, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$10.

W. R. GREGG, *Acting Secretary of Agriculture.*

1435. Misbranding of Odora Moth Cake, Odora Packet Deodorant and Moth Destroyer, Perfumed Ball Blocks, Mothex Cedarized Tablets, and Mothex Para Moth Pellets. U. S. v. Odora Co., Inc. Plea of guilty. Fine, \$200. (I. & F. no. 1795. Sample nos. 67244-A, 67249-A, 67920-A to 67922-A, incl., 69814-A, 69815-A, 71815-A.)

These products were labeled with false and misleading claims regarding their alleged effectiveness in the control of moths.

On November 15, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Odora Co., Inc., New York, N. Y., alleging shipment by said company on the approximate dates March 1, March 10, March 21, March 27, and March 30, 1934, from the State of New York into the States of New Jersey and Massachusetts of quantities of the following described products which were misbranded insecticides within the meaning of the Insecticide Act of 1910. The articles were labeled, variously: “Odora Moth Cake for Closets * * * Odora Co., Inc., N. Y. C.”; “Odora Packet Deodorant and Moth Destroyer * * * Odora Company, Inc.”; “Perfumed Ball Blocks * * * Odora Co., Inc. New York”; “Mothex * * * Cedarized Tablets * * * Made By Roseth Chemical Div. Inc. Bk’lyn, N. Y.”; “Mothex Para Moth Pellets * * * Roseth Chem. Div. Inc. Brooklyn, N. Y.”

The articles were alleged to be misbranded in that the following statements in the labeling, (Odora Moth Cake) “Odora Moth Cake for Closets * * * An excellent moth destroyer. Use 1 Moth Cake to each 15 cu. ft. of confined space. Safe and efficient”, (Odora Packet) “The Most Efficient Moth Destroyer. Destroys Moth and Moth Eggs. Use 1 Packet for each 20 cu. ft. of confined space in closets, drawers, chests, etc.”, (Perfumed Ball Blocks) “in Mesh Bag Hangers * * * Hang in Closets, Wardrobes, etc. Do not place Directly upon Garments”, (Mothex Cedarized Tablets) “Kills Moths and Moth Eggs. * * * Mothex the Superior Moth Destroyer. Safe, Effective, economical. Directions Unwrap Tablets, use in Clothes Pockets, Furs, Wooleus, Closets, Drawers, Chests, Etc.”, (display carton accompanying one shipment of Mothex Cedarized Tablets) “Kills Moths and Moth Eggs. The Ideal Moth Repellant * * * Use Mothex Cedarized Tablets for Complete Moth Protection * * * Mothex Moth Repellents * * * Mothex Cedarized Tablets, Safe, Efficient”, and (Mothex Para Moth) “Pellets kill moths and moth eggs * * * For use in vacuum-cleaners * * * Upholstered furniture”, were false and misleading and by reason of the said statements the articles were labeled so as to deceive and mislead the purchaser since they represented that the articles would afford the moth protection claimed; whereas the moth cake and the perfumed ball blocks would not act as efficient insecticides against moths when used as directed; the Odora Packet would not act as an efficient moth destroyer, when used as directed; the Mothex Cedarized Tablets would not kill moths and moth eggs under all conditions, would not repel moths, and would not furnish complete

moth protection under all conditions when used as directed; and the Mothex Para Moth Pellets would not kill moths and moth eggs when used as directed.

On December 2, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$200.

W. R. GREGG, *Acting Secretary of Agriculture.*

1436. Adulteration of Green Tox 50. U. S. v. Bonide Chemical Co., Inc. Plea of guilty. Fine, \$1. (I. & F. no. 1793. Sample no. 37054-A.)

This product was sold as an insecticide and contained inert ingredients, i. e., substances which would not be effective for the purposes for which it was intended, in excess of the amount declared on the label.

On October 21, 1935, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Bonide Chemical Co., Inc., Utica, N. Y., alleging shipment by said company on or about March 14, 1933, from the State of New York into the State of Oregon, of a quantity of Green Tox 50 which was an adulterated insecticide other than paris green and lead arsenate within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that the statement, "Inert Ingredients 81.8%", borne on the bottle label, represented that it contained inert ingredients in the proportion of not more than 81.8 percent; whereas its strength and purity fell below the professed standard and quality under which it was sold, since it contained inert ingredients in a proportion greater than 81.8 percent.

On October 21, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$1.

W. R. GREGG, *Acting Secretary of Agriculture.*

1437. Adulteration and misbranding of Radiant Garden Spray. U. S. v. Midway Chemical Co. Plea of guilty. Fine, \$20. (I. & F. no. 1801. Sample no. 40262-A.)

This product contained a smaller percentage of the active ingredients and a larger percentage of the inert ingredient than declared on the label and, when used as directed, would not be effective in the control of certain insects for which it was recommended as an insecticide and would be injurious to certain vegetation.

On June 6, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Midway Chemical Co., a corporation, trading at Chicago, Ill., alleging shipment by said company on or about June 9, 1933, from the State of Illinois into the State of Ohio of a quantity of Radiant Garden Spray which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that the statements, "Total Arsenic, Expressed as Metallic, all in water soluble form, 1%; Inert: Water 51%, Alcohol 9%", borne on the can label, represented that its standard and quality were such that it contained total arsenic, expressed as metallic, in the proportion of not less than 1 percent, contained water in the proportion of not more than 51 percent, and contained alcohol in the proportion of not less than 9 percent; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained total arsenic, expressed as metallic, in a proportion less than 1 percent, contained water in a proportion greater than 51 percent, and contained alcohol in a proportion less than 9 percent.

Misbranding was alleged for the reason that the following statements on the can label, "Total Arsenic, Expressed as Metallic, all in water soluble form 1%; Inert: Water 51%, Alcohol 9%", "Radiant Garden Spray kills plant insects, such as * * * leaf rollers, cabbage worms, and many others * * * Radiant Garden Spray kills cutworms * * * rose chafer * * * cabbage worms * * * leaf tiers, leaf rollers", "Also recommended for use in extermination of all plant and garden beetles and is effective on all types of garden insects * * * For plants, vegetables, flowers, etc. Kills bugs", and "Will not injure tender plants * * * Radiant Garden Spray is non-caustic and can be sprayed at any season without injury to plants.", were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since it contained total arsenic expressed as metallic in a proportion less than 1 percent, contained water in a

proportion greater than 51 percent, and contained alcohol in a proportion less than 9 percent, and, when used as directed, would not act as an effective insecticide against plant insects, such as leaf rollers, cabbage worms, cutworms, rose chafers, leaf tiers, and many others, would not exterminate all plant and garden beetles; would not act as an effective insecticide against all types of garden insects on plants, vegetables, flowers, etc.; would not kill all bugs; and when used as directed could not be safely so used on all plants, but such use would be injurious to many plants.

On October 16, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$20.

W. R. GREGG, *Acting Secretary of Agriculture.*

1438. Adulteration and misbranding of Formkolene and misbranding of Klorimine Junior. U. S. v. Acme Chemical Co. Plea of guilty. Fine, \$10. (I. & F. no. 1812. Sample nos. 60925-A, 64341-A, 2800-B.)

These products were sold as disinfectants and were both below the strength declared on the label. The Formkolene contained an inert ingredient in excess of the amount declared and would not be an effective disinfectant when used according to directions at the dilutions recommended.

On July 11, 1935, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court, an information against the Acme Chemical Co., a corporation, Milwaukee, Wis., alleging shipment by said company on or about March 16, March 23, and June 26, 1934, from the State of Wisconsin into the State of Indiana, of quantities of Formkolene and Klorimine Junior which were adulterated and/or misbranded fungicides within the meaning of the Insecticide Act of 1910.

The Formkolene was alleged to be adulterated in that the statements, "Coefficient 3 to 4 times Carbolic Acid. Inert matter 92% water * * * Coefficiency 3 to 4 times Carbolic Acid", borne on the label affixed to the carboys, represented that the standard and quality of the article were such that it contained inert matter, namely, water, in the proportion of not more than 92 percent and that it possessed a phenol coefficient of not less than 3; whereas the strength and purity of the said article fell below the professed standard and quality under which it was sold, in that it contained more than 92 percent of water and possessed a phenol coefficient much lower than 3, the two samples examined having a phenol coefficient of 0.1 and 0.2, respectively.

Misbranding was alleged with respect to both products for the reason that the statements, (Formkolene) "Coefficient 3 to 4 times Carbolic Acid. Inert matter 92% water * * * Coefficiency 3 to 4 times Carbolic Acid * * * Analysis * * * Remarks * * * Phenol Coefficient Determined by the U. S. Hygienic Laboratory method", and "Spray Formkolene into toilets, cloak rooms, gymnasiums, lockers, etc., spraying the entire premises. When scrubbing floors or washing walls or woodwork use a three per cent solution. After washing cuspidors or slop jars add a small quantity of a three per cent solution of Formkolene. Sick rooms in hospitals, scrub floors and wash walls and woodwork, as above", and Klorimine Junior "Phenol Coefficiency 3.18 * * * Bactericidal Test * * * Phenol Coefficient $350/100=3.18$ ", borne on the labels, were false and misleading, and by reason of the said statements the articles were labeled so as to deceive and mislead the purchaser, in that they represented that the Formkolene contained inert matter, water, in the proportion of not more than 92 percent, that it had a phenol coefficient of not less than 3 and would act as an effective disinfectant when used at a 3-percent solution in the places indicated on the label and that the Klorimine Junior had a phenol coefficient of not less than 3.18; whereas the Formkolene contained more than 92 percent of water, it possessed a phenol coefficient much lower than 3, and it would not act as an effective disinfectant when used at a 3 percent solution in the places named on the label; and the Klorimine Junior had a phenol coefficient of less than 3.18, namely, 0.1.

On November 18, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$10.

W. R. GREGG, *Acting Secretary of Agriculture.*

1439. Misbranding of Creofectant. U. S. v. Dixie Chemical Products Co., Inc. Plea of guilty. Fine, \$50. (I. & F. no. 1813. Sample no. 22338-B.)

This product was misbranded because of unwarranted claims regarding its effectiveness as a disinfectant and germicide and other misrepresentations in the labeling, and because of failure to declare the inert ingredients.

On August 8, 1935, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Dixie Chemical Products Co., Inc., Birmingham, Ala., alleging shipment by said company on or about May 4, 1934, from the State of Alabama into the State of North Carolina of a quantity of Creofectant which was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements borne on the can label, "Coal Tar Disinfectant used by the Government in Building the Panama Canal", was false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that it represented that the article was one endorsed by the Government; whereas it was not one endorsed by the Government.

Misbranding was alleged for the further reason that the following statements borne on the can label, "Will Quickly Destroy Foul Odors and Disease Germs * * * For Garbage Boxes, privy vaults, cesspools; to destroy both the bad odors and germs, use one pint to five gallons of water * * * Two ounces (about two tablespoonfuls) to one gallon of fresh water makes a strong, effective and handy disinfectant for general uses. Pour The Water Into The Disinfectant. * * * Directions and Uses For Rinsing Water in Washing or the Laundry it will not stain the finest fabrics, use one teaspoonful to a bucket of water. * * * To keep the air sweet and clean in public places schools, hospitals, hotels, factories, sprinkle freely", "During Epidemics the streets, alleys, sidewalks, etc., should be sprinkled with a watering cart, using one quart to a barrel of water", "For House Plants, flowers, shrubs, etc., sprinkle with a mixture of a tablespoonful to a gallon of water", and "For Use in the Sick Room. To prevent the spread of infectious diseases, as scarlet fever, measles, diphtheria, typhus, pneumonia, consumption, cholera, influenza, etc., wash the floor, walls, and furniture. Sprinkle freely everywhere. Hang clothes dipped in the solution around the room. Spittoons and chambers should contain the solution, and clothes and dishes used by the sick should be soaked with it before being taken from the sick room, using the strength, two ounces to a gallon of water", were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since the article, when used as directed, would not destroy all foul odors and all disease germs; would not disinfect privy vaults and cesspools; would not as an effective disinfectant for general use when used in the dilution of 2 tablespoonsful to a gallon of water; would not act as a disinfectant in rinsing water and in the laundry, when used in the dilution of 1 teaspoonful to a bucket of water; would not keep the air sweet and clean; would not be of value in controlling epidemics; would not be of value on plants; and would not prevent the spread of infectious diseases, such as scarlet fever, measles, diphtheria, typhus, pneumonia, consumption, cholera, influenza, etc.

Misbranding was alleged for the further reason that the article consisted partially of an inert substance, that is, a substance that does not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of the said inert substance present therein were not stated plainly and correctly, or at all, on the can label; nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having insecticidal or fungicidal properties, and the total percentage of the inert substance present therein stated plainly and correctly, or at all, on the label.

On October 12, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

1440. Misbranding of Mulsooid Sulphur. U. S. v. 426 Cases and 794 Cases of Mulsooid Sulphur. Consent decree of condemnation. Product released under bond to be relabeled. (I. & F. no. 1814. Sample no. 37249-B.)

Sample boxes of Mulsooid Sulphur taken from the shipment involved in this case were found to contain less than the declared weight.

On July 6, 1935, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 426 cases, each containing eight 6-pound boxes and 794 cases, each containing four 6-pound boxes of Mulsooid Sulphur at Tampa, Fla., consigned by the Sherwin-Williams Co., Bound Brook, N. J., alleging that the article had been shipped in interstate commerce on or about May 14 and May 21, 1935, from the State of New Jersey

into the State of Florida, that it had been received by the Sherwin-Williams Co. at Tampa, Fla., and that it was misbranded in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statement on the boxes, "6 Pounds Net Weight", was false and misleading and tended to deceive and mislead the purchaser, since the weight of the contents of each of the boxes was less than 6 pounds.

On October 9, 1935, the Sherwin-Williams Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

W. R. GREGG, *Acting Secretary of Agriculture.*

1441. Adulteration and misbranding of Risal Liquor Cresolis Comp., and misbranding of Cresolin Disinfecting Fluid. U. S. v. Teresa Turk and Solomon Turk (Turk Drug Co.). Plea of nolo contendere. Judgment of guilty. Sentence of 6 months probation imposed. (I. & F. no. 1817. Sample nos. 10614-B, 18174-B, 18175-B.)

This case involved two lots of Risal Liquor Cresolis Comp. which fell below the requirements of the United States Pharmacopoeia, which had a lower phenol coefficient than represented, and which bore on the label misrepresentations regarding its disinfectant properties; also one lot of Cresolin Disinfecting Fluid which contained less carbolic acid than declared and was labeled with misrepresentations as to its alleged effectiveness as a disinfectant and as a control for certain insects. Both products contained undeclared inert ingredients.

On August 28, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information (amended Sept. 10, 1935) against Teresa Turk and Solomon Turk, trading as the Turk Drug Co., Philadelphia, Pa., alleging shipment by said defendants in violation of the Insecticide Act of 1910 on or about June 16 and September 24, 1934, from the State of Pennsylvania into the State of New Jersey, of quantities of Risal Liquor Cresolis Comp., which was an adulterated and misbranded fungicide, and on or about September 24, 1934, from the State of Pennsylvania into the State of New Jersey of a quantity of Cresolin Disinfecting Fluid which was a misbranded insecticide and fungicide.

The Liquor Cresolis Comp. was alleged to be adulterated in that the statements "Liquor Cresolis Comp. (Phenol Coef. 4 plus)", borne on the bottle label, represented that its standard and quality were such that it contained the ingredients prescribed by the United States Pharmacopoeia for liquor cresolis compositus and that it possessed a phenol coefficient of 4 plus; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold since it did not contain the ingredients prescribed for liquor cresolis compositus by the pharmacopoeia, but did contain more water, tar acids other than cresol, and soap other than linseed-oil soap, and it possessed a phenol coefficient much lower than 4 plus, namely, a phenol coefficient of approximately 0.2 (F. D. A. method).

Adulteration of the liquor cresolis compositus was alleged for the further reason that other substances, namely, water, tar acids other than cresol, and soap other than linseed-oil soap, had been substituted for the ingredients prescribed for liquor cresolis compositus by the pharmacopoeia.

Misbranding of the liquor cresolis compositus was alleged for the reason that the statements, "Liquor Cresolis Comp. (Phenol Coef. 4 plus)" and "Disinfectant Sick Room etc.—Two Tablespoonsful to quart of water", were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser since it did not contain the ingredients and proportions of ingredients specified for liquor cresolis compositus by the United States Pharmacopoeia but contained more water, tar acids other than cresol, and soap other than linseed-oil soap, and it possessed a phenol coefficient much lower than 4 plus and when diluted with water as directed would not act as an effective disinfectant.

Misbranding of the Cresolin Disinfecting Fluid was alleged for the reason that the statements, "Used as a disinfectant in the sick room for cleaning bed pans, chamber pots, walls and woodwork. In house cleaning used as a germicide * * * Directions Three tablespoons to a gallon of water makes a solution of sufficient strength to meet all requirements", "In house-cleaning used as a germicide for roaches, vermin, etc.", and "Carbolic Acid about 6%", were false and misleading and by reason of the said statements the article was

labeled so as to deceive and mislead the purchaser in that they represented that the article, when used as directed, would act as a disinfectant in the sickroom for cleaning bedpans, chamber pots, walls, and woodwork and in house cleaning and would be effective against roaches, vermin, etc., and contained carbolic acid in the proportion of not less than 6 percent; whereas the article when used as directed would not act as an effective disinfectant in the sick room for cleaning bedpans, chamber pots, walls, and woodwork or in house cleaning, and would not be effective against roaches, vermin, etc., and it contained carbolic acid in a proportion much lower than 6 percent, namely, but a trace of carbolic acid.

Misbranding was alleged with respect to both products for the further reason that they consisted partially of inert substances, water and glycerin in the case of liquor cresolis compositus and water in the case of the Cresolin Disinfecting Fluid, which inert substances do not prevent, destroy, repel, or mitigate fungi (bacteria), or insects and the name and percentage amount of each inert substance or ingredient of the article were not stated plainly or correctly on the label; nor, in lieu thereof, were the name and percentage amount of each substance or ingredient of the articles having insecticidal or fungicidal properties and the total percentage of the inert substances or ingredients so present therein stated plainly and correctly on the bottle labels.

The information also alleged that the Liquor Cresolis Comp. was further adulterated and misbranded in violation of the Food and Drugs Act, reported in notice of judgment no. 25127 published under that act.

On December 2, 1935, the defendants entered pleas of *nolo contendere*, were adjudged guilty, and were sentenced to 6 months on probation.

W. R. GREGG, *Acting Secretary of Agriculture.*

1442. Adulteration of pine oil disinfectant and creosote emulsion. U. S. v. C. Beverly Hill (Hill Bros. Chemical Co.). Plea of guilty. Fine, \$20. (I. & F. no. 1818. Sample nos. 12511-B, 12512-B.)

This case covered shipments of pine oil disinfectant which was adulterated with mineral oil, and creosote emulsion which was adulterated with mineral oil and pine oil.

On August 15, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against C. Beverly Hill, at the time of the shipment and hereinafter referred to as a member of a partnership trading as Hill Bros. Chemical Co., Los Angeles, Calif., alleging shipment by said defendant on or about October 18, 1934, and January 4, 1935, from the State of California into the State of Arizona, of quantities of Certified Pine Oil Disinfectant and Certified Creosote Emulsion which were adulterated fungicides within the meaning of the Insecticide Act of 1910.

The articles were alleged to be adulterated in that the statements, "Certified Pine Oil Disinfectant" and "Certified Creosote Emulsion", borne on the labels, represented that their standard and quality were such that they consisted of pine-oil disinfectant and creosote emulsion, respectively; whereas the strength and purity of the articles fell below the professed standard and quality under which they were sold, in that the said pine oil disinfectant consisted of a mixture of pine-oil disinfectant and mineral oil and the said creosote emulsion consisted of coal-tar acids, soap, water, mineral oil, and pine oil.

Adulteration was alleged for the further reason that mineral oil had been substituted for pine oil in the pine oil disinfectant, and mineral oil and pine oil had been substituted in part for creosote oil in the creosote emulsion.

On September 3, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$20.

W. R. GREGG, *Acting Secretary of Agriculture.*

1443. Misbranding of Mag-O-Tite. U. S. v. Interstate Chemical Manufacturing Co. Plea of guilty. Fine, \$200. (I. & F. no. 1824. Sample no. 24156-B.)

This case involved an insecticide which contained inert ingredients that were not declared on the label as required by law.

On October 17, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Interstate Chemical Manufacturing Co., a corporation, Jersey City, N. J., alleging shipment by said company on or about January 29, 1935, from the State of New Jersey into the State of Pennsylvania, of a quantity of Mag-O-Tite which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it consisted partially of inert substances, namely, substances other than naphthalene, sulphur, and lead arsenate, that is to say, substances that do not prevent, destroy, repel, or mitigate insects and the name and percentage amount of each and every inert ingredient so present in the article were not stated plainly and correctly on the can label; nor, in lieu thereof, were the name and percentage amount of each substance or ingredient of the article having insecticidal properties, and the total percentage of the inert substances or ingredients so present therein, stated plainly and correctly on the label.

On November 27, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$200.

W. R. GREGG, *Acting Secretary of Agriculture.*

1444. Adulteration and misbranding of Amerco Dry Insecticide. U. S. v. 2 Cans of Amerco Dry Insecticide. Default decree of condemnation and destruction. (I. & F. no. 1829. Sample no. 33115-B.)

This product contained less naphthalene, less total active ingredients, and a larger amount of inert ingredients than declared, and would not afford the protection against insects claimed for it on the labels.

On August 27, 1935, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two cans, each containing 100 pounds of Amerco Dry Insecticide at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about November 13, 1934, by the Amerco Feed & Milling Co., from Council Bluffs, Iowa, and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be adulterated in that it fell below the professed standard and quality under which it was offered for sale, namely, it contained less active ingredients, less naphthalene, and more inert ingredients than stated on the label.

Misbranding was alleged for the reason that the statements, "Active Ingredients Thirty Six Percent * * * Naphthalene Thirty Percent * * * Total Inert Matter Sixty Four Percent", on the can label, were false and misleading and were intended to deceive and mislead the purchaser.

Misbranding was alleged for the further reason that the following statements on the can label, "For Cucumbers Squash and Melon Vines at Planting Time Sprinkle The Ground Thoroughly After the Seeds have been Covered After The Plants Have Begun to Form Leaves Sprinkle the Leaves Lightly With Dry Insecticide Repeat Treatment in Ten Days to Two Weeks", were false and misleading and were intended to deceive and mislead the purchaser, since the article, when used as directed, would not be effective against all insects infesting cucumber, squash, and melon vines.

On October 16, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

1445. Misbranding of Stick-Tite Lice Destroyer. U. S. v. Isaiah D. Russell (National Poultry Products Co.). Plea of guilty. Fine, \$25. (I. & F. no. 1833. Sample no. 35626-B.)

Sample cans of the product involved in this case were found to contain less than the weight declared on the label.

On October 21, 1935, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Isaiah D. Russell, trading as the National Poultry Products Co., Kansas City, Mo., alleging shipment by said defendant on or about March 12, 1935, from the State of Missouri into the State of Colorado, of a quantity of Stick-Tite Lice Destroyer which was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statement "net weight 6 lbs.", borne on the can label, represented that each of the cans contained 6 pounds of the article; whereas each can did not contain 6 pounds net of the article but did contain a lesser amount, namely, an average of 5 pounds, 10.96 ounces.

On December 20, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*

1446. Misbranding of Zorite Disinfectant and Cleanser. U. S. v. The Zoro Co. Plea of guilty. Fine, \$50 and costs. (I. & F. no. 1834. Sample no. 29012-B.)

This product was misbranded because of unwarranted claims regarding its alleged disinfectant and deodorant properties and other misrepresentations in the labeling and because of failure to declare the inert ingredients present.

On October 17, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Zoro Co., a corporation, Chicago, Ill., alleging shipment by said company on or about October 11, 1934, from the State of Illinois into the State of Massachusetts, of a quantity of Zorite Disinfectant and Cleanser which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements borne on the carton label, "Zorite Disinfectant * * * When flushed into the toilet bowl Zorite is 3 times more powerful than Carbolic Acid in destroying disease carrying germs * * * and when flushed into the toilet bowl, will disinfect * * * The odor of Zorite Disinfectant * * * Non-Poisonous", were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, in that the said statement represented that the article, when used as directed, would act as a disinfectant, would be more powerful than carbolic acid and would disinfect toilet bowls, and was nonpoisonous; whereas the article, when used as directed, would not act as a disinfectant, would not be more powerful than carbolic acid, would not disinfect toilet bowls and was not nonpoisonous.

Misbranding was alleged for the further reason that the article consisted completely of inert substances or ingredients, i. e., substances that do not prevent, destroy, repel, or mitigate fungi (bacteria), and the name and the percentage amount of each inert ingredient so present in the article were not stated plainly and correctly on the carton label; nor, in lieu thereof, were the name and percentage amount of each ingredient of the article having fungicidal (bactericidal) properties, and the total percentage of the inert ingredients so present therein stated plainly and correctly on the carton label.

On December 18, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

1447. Misbranding of Eureka Sanitizing Compound. U. S. v. Eureka Vacuum Cleaner Co. Plea of guilty. Fine, \$100. (I. & F. no. 1836. Sample nos. 31834-B, 39167-B.)

This case was based on a shipment of an insecticide and fungicide which was short of the declared weight.

On October 30, 1935, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Eureka Vacuum Cleaner Co., a corporation, Detroit, Mich., alleging shipment by said company on or about March 13 and June 4, 1935, from the State of Michigan into the State of Illinois, of quantities of Eureka Sanitizing Compound which was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statement, "This carton contains five 3-ounce cakes (Net weight 15 ounces)", borne on the carton label, was false and misleading and by reason of said statement the article was labeled so as to deceive and mislead the purchaser, since the cartons did not each contain five 3-ounce cakes but the net weight of each of the said cakes was not more than 2.82 ounces, and the net weight of the contents of each of said cartons was not more than 14.10 ounces.

On November 23, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$100.

W. R. GREGG, *Acting Secretary of Agriculture.*

1448. Misbranding of Key Brand Ant Killer. U. S. v. Interstate Chemical Manufacturing Co. Plea of guilty. Fine, \$200. (I. & F. no. 1839. Sample nos. 13905-B, 30838-B.)

This product was represented to contain sodium arsenate as an active ingredient but in fact contained sodium arsenite as an active ingredient.

On or about November 17, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Interstate Chemical Manufacturing Co., a corporation, Jersey City, N. J., alleging shipment by said com-

pany on or about April 4, 1935, from the State of New Jersey into the State of Montana, and on or about May 10, 1935, from the State of New Jersey into the State of Pennsylvania, of quantities of Key Brand Ant Killer which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statement, "Active ingredients Sodium arsenate 19%", borne on the can label, was false and misleading, since the said statement represented that the article contained sodium arsenate as an active ingredient; whereas it contained sodium arsenite as an active ingredient.

On November 27, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$200.

W. R. GREGG, *Acting Secretary of Agriculture.*

1449. Misbranding of Termox Moth Proofing Crystals. U. S. v. 228 Packages of Termox Moth Proofing Crystals. Default decree of condemnation and destruction. (I. & F. no. 1840. Sample no. 47135-B.)

This product was misbranded because of misrepresentations in the labeling regarding its alleged effectiveness in the control of moths, and because of failure to declare the inert ingredient.

On October 21, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 228 packages of Termox Moth Proofing Crystals at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about March 30, 1935, by the Termo Chemical Co., from Chicago, Ill., and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "Termox Products Moth Proofing Crystals * * * A wonderful product for clothes closets, dresser drawers, trunks, overstuffed furniture, or when packing away furs, woolens, blankets, etc., in tight containers. Use one envelope to every five cubic feet of confined space", were false and misleading and tended to deceive and mislead purchasers, since it would not be effective against moths when used as directed. Misbranding was alleged for the further reason that the article consisted partially of an inert substance, namely, sodium chloride, which substance does not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of the said inert substance or ingredient was not plainly or correctly stated on the label; nor, in lieu thereof, were the name and percentage amount of each substance having insecticidal properties and the total percentage of inert substance stated plainly or correctly on the label.

On November 26, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

1450. Misbranding of Dutch Maid Bowl Clean. U. S. v. 48 Dozen Cakes of Dutch Maid Bowl Clean. Default decree of condemnation and destruction. (I. & F. no. 1841. Sample no. 37391-B.)

This product was misbranded because of misrepresentations on the label regarding its alleged disinfectant and deodorant properties.

On October 22, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 dozen cakes of Dutch Maid Bowl Clean at Bradford, Pa., alleging that the article had been shipped in interstate commerce on or about August 22, 1935, by P. J. Daly & Co., from Buffalo, N. Y., and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements on the carton, "Disinfects * * * Destroys Germs * * * Promotes Health * * * Keeps the Bowl * * * Germ and Odor free * * * Guaranteed Two to Three weeks service period to insure a permanent clean sanitary germ and odor free bowl place a Dutch-Maid in your tank regularly", and on the display carton, "Disinfects", were false and misleading and tended to deceive and mislead the purchaser, since the said statements represented that the product would disinfect bowls, would destroy germs, would promote health, and would make bowls germ and odor free; whereas it would not.

On November 22, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

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